

ADMINISTRATIVE - INTERNAL USE ONLY

Approved For Release 2002/01/08 : CIA-RDP83-01004R000200030028-0

26 January 1972

MEMORANDUM FOR: Director of Personnel

SUBJECT : Non-Standard Workweek for Central Reference Service

1. The attached memorandum providing for 12-hour workdays for CRS Computer Operators is consistent with the memorandum on non-standard work schedules approved by the Executive Director-Comptroller on 4 January 1972. The savings of approximately \$450 per pay period result from requiring all employees (15) to work four hours of overtime (those hours over eight per day) for six days in a pay period. Thus, there is actually 360 hours of overtime in this proposed plan which the Agency intends not to pay compensation for.

2. The U.S. Code, Title 5, Section 5542 provides for overtime compensation where the workday exceeds eight hours (except for certain professionals and employees whose basic pay exceeds the minimum of GS-10, for whom the first 40 hours of duty in a workweek is the basic workweek). Nine of the employees are in GS-07, three in GS-09. I think there is a question as to whether such employees can be deprived of the right to overtime pay established by legislation. It is interesting to note that we propose to pay employees for Sunday, holiday, and night differential duty but not for overtime. All such premium pay is covered under the same basic legislation. If one is required, all are required. The Agency is saying in effect that it will select the legislation it wishes to follow and ignore the rest.

3. I suggest that any such proposal to ignore overtime legislation should be checked with the General Accounting Office. I believe any employees who are deprived of overtime pay under such circumstances would have a valid argument for compensation after retirement. The fact that these employees may consent to the arrangement makes no difference since the law does not provide for any such consent.

4. Some years ago in order to secure the Comptroller General's acceptance of our right to make federal pay legislation retroactive, we conceded that the Federal Pay Act applied to us. Can we now say that it applies to us only when we so wish?

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5. The Director of Central Reference believes the proposal is operationally advantageous, presumably because of the reduction in number of shift changes from 42 to 30. It seems questionable, however, whether employees can work efficiently for 12 hours at a time. Therefore, we have proposed a trial period of six months.

6. Before approval of this schedule I recommend that consideration be given to checking the deviation from general overtime legislation with the General Accounting Office. STATINTL



Chief

Position Management & Compensation Division

Attachments

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